

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
CIVIL ACTION FILE NO. 7:22-cv-192

NEAL SHULMAN,

Plaintiff,

v.

JULIA OLSON-BOSEMAN, NEW
HANOVER COUNTY COMMISSION
CHAIRWOMAN; DEB HAYS, VICE
CHAIRPERSON [NEW] HANOVER
COUNTY COMMISSION; BILL
RIVENBARK, COMMISSIONER, NEW
HANOVER COUNTY COMMISSION;
ROB ZAPPLE, COMMISSIONER, NEW
HANOVER COUNTY COMMISSION;
WANDA COPLEY, NEW HANOVER
COUNTY ATTORNEY; and
CHRISTOPHER COUDRIET, NEW
HANOVER COUNTY MANAGER,

Defendants.

**DEFENDANTS' JOINT
MOTION FOR LEAVE TO
MANUALLY FILE
"EXHIBIT B" OF COMPLAINT
IN CONNECTION WITH
NOTICE OF REMOVAL**

(Fed. R. Civ. P. 7(b))

NOW COME Defendants Julia Olson-Boseman, Deb Hays, Bill Rivenbark, Rob Zapple, Wanda Copley, and Christopher Coudriet (hereinafter collectively "Defendants"), by and through the undersigned counsel, pursuant to Rule 7(b) of the Federal Rules of Civil Procedure and § V(A)(2)(b) of the Electronic Case Filing Administrative Policies and Procedures Manual, and hereby move this Court for an order granting leave for Defendants to manually file "Exhibit B" of Plaintiff Neal Shulman's (hereinafter "Plaintiff") Complaint, in connection with Defendants' Notice of Removal to Federal Court. In support of this motion, Defendants respectfully show unto the Court the following:

1. Plaintiff instituted the present action on October 17, 2022, by filing a Complaint in the New Hanover General Court of Justice, Superior Court Division.

2. In support of the allegations contained in the Complaint, Plaintiff attached, *inter alia*, a data storage device containing video of the New Hanover County Board of Commissioners meeting held on October 3, 2022.

3. The Complaint marked the video as “Exhibit B.”¹

4. Defendants subsequently removed this action to this Court on the basis of federal question jurisdiction.

5. As part of the removal process, Defendants are required to submit “all process, pleadings, order, and other documents that have been served on the party in state court[.]” Loc. Civ. R. 5.3(a)(1); see also 28 U.S.C.S. § 1446.

6. The video contained in Exhibit B, while digital in nature, is not a document as contemplated by the Electronic Case Filing Administrative Policies and Procedures Manual, and is not capable of being reduced to a text searchable pdf.

WHEREFORE Defendants respectfully move the Court for leave to manually file a data storage device containing Exhibit B of Plaintiff’s Complaint.

This the 14th day of November, 2022.

SUMRELL SUGG, P.A.
Attorneys for Defendants

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¹ The video contained in Exhibit B is also available on the New Hanover County YouTube channel, with the relevant portion beginning at approximately 2:25:30.
<https://www.youtube.com/watch?v=ITIM7yNzpsk&list=PLN73E8RIvbt6OIGvcsWi4stUxGgm7FtbU&index=2>

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **DEFENDANTS' JOINT MOTION FOR LEAVE TO MANUALLY FILE "EXHIBIT B" OF COMPLAINT IN CONNECTION WITH NOTICE OF REMOVAL** was served upon all parties of record by depositing the same in a postpaid wrapper in an official depository under the exclusive care and custody of the United States Postal Service, New Bern, North Carolina, and addressed to:

Richard P. Theokas, Esq.
THEOKAS LAW FIRM, PC
Post Office Box 3971
Wilmington, North Carolina 28406
Telephone: (704) 419-9365
Attorney for Plaintiff

This the 14th day of November, 2022.

SUMRELL SUGG, P.A.
Attorneys for Defendants

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